# IN THE HIGH COURT OF JUDICATURE
# ANDHRA PRADESH
# AT HYDERABAD

THE HON'BLE MR JUSTICE J.CHELAMESWAR
and
THE HON'BLE MR JUSTICE D.APPA RAO

WRIT PETITION NO :18303 of 2006

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Dated: 28th September 2006.

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Between:

Shiivanand Siddappa Malagi, S/o. Siddappa, aged about 26 years, Occ.: Agriculture R/o 463/A, Near Post Office, Hubli, Begaum District, Karanataka State.

..... PETITIONER

AND

The Secretary, Regional Transport Authority, Mahabubnagar and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE J.CHELAMESWAR
AND
THE HON'BLE SRI JUSTICE D.APPA RAO

W.P.NO.18303 OF 2006

ORAL ORDER:

(Per the Hon'ble Sri Justice J.Chelameswar)

This writ petition is filed with the prayer as follows:

> " For the reasons stated in the accompanying affidavit the petitioner herein adjures that this Hon'ble court may be pleased to issue Writ, Order, Direction more particularly in the nature of Writ of Mandamus, declaring the action of the respondents in seizing the Petitioner's vehicle bearing No. KA22C 4522 vide VCR No.398371 by the 2nd respondent on 24.08.2006 as being illegal, arbitrary and further direct the respondents to release the same to the petitioner, pending enquiry and pass such other order or orders, as deemed fit and proper in the interest of justice."

The petitioner claims to be the owner of a vehicle bearing No. KA-22-C 4522 (Maxi Cab). The 2nd respondent checked the said vehicle on 24-08-2006 in Mahabubnagar town and found certain irregularities, which are indicated as follows in the check-report.

> " Offences/irregularities : stopped and checked while coming from Balgaum going towards Hyderabad with 21 passengers and found following irregularities:
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> (1) As per RC is 13 in all with Maxi cab whereas the vehicle is carrying 21

passengers from Belgaum to Hyderabad on contract for office function. Hence alration contrary to RC.

(2) liable for tax as per 4/- 39.9.2006 for AP State

(3) N/o.

(4) No. DL produced."

He therefore, seized the vehicle. Hence, the present writ petition.

Heard the learned Government Pleader for Transport.

In the circumstances, we are of the opinion that the matter can be disposed of at this stage directing the respondents to release the abovementioned vehicle on condition of the petitioner paying the entire amount of tax, to be determined by the 1st respondent, without prejudice to the authority of the respondents to take any other appropriate action, in accordance with law, for the alleged violations indicated in the check-report.

With the above directions, the writ petition is disposed of at the stage of admission.

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J.Chelameswar, J

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D.Appa Rao, J

mrk

28th September 2006